

9, line 8.) In this Example, Holzner refers to FIGS. 1-3, which he explains are photographs of the composition *observed under a microscope (enlargement 600x)*. Thus, the circles shown in the figures do not represent visible capsules, but rather microcapsules that can only be seen under a microscope.

It is axiomatic that, to anticipate a claim, a reference must disclose each and every limitation of the claim. Thus, for at least the reason that Holzner does not teach visible capsules, claim 1 is not anticipated.

Applicants' claim 15 features a method of manufacturing a personal care composition containing visible capsules. The method includes (a) pre-hydrating hydratable capsules to a predetermined extent; and (b) incorporating the pre-hydrated capsules into a personal care composition. First, as noted above, Holzner does not teach or suggest visible capsules. Moreover, Holzner does not teach or suggest either step (a) or step (b) of Applicants' claim. For example, Holzner does not teach pre-hydrating hydratable capsules at all, much less to a predetermined extent. Thus, Holzner does not anticipate claim 15.

Applicants' claim 23 features a method of increasing the amount of fragrance in a clear gel composition that is an emulsion of a water phase and an oil phase. The method includes adding the fragrance to the oil phase prior to formation of the emulsion and adjusting the refractive index of the water phase to within about 0.001 or less of the refractive index of the oil phase containing the fragrance, then combining the two phases to form the emulsion. Claim 23 is not anticipated at least for the reason that Holzner does not teach or remotely suggest adjusting the refractive index of the water phase. Applicants do not concede that any of the other limitations of claim 23 are taught or suggested by Holzner.

Applicants' dependent claims are patentable for at least the reasons discussed above.


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It is believed that no fees are due with this submission. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 00216-594001.

Respectfully submitted,

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